

HOUSE BILL No. 1839

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-15-2; IC 22-15-8.

Synopsis: Outdoor lighting pollution control. Regulates outdoor lighting. Establishes a division of outdoor light pollution control. Makes a violation of the outdoor lighting pollution control law a Class B infraction.

Effective: July 1, 2003.

Whetstone, Bottorff

January 23, 2003, read first time and referred to Committee on Commerce and Economic Development.

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Introduced

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1839

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 22-15-2-3, AS AMENDED BY P.L.119-2002,
2 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2003]: Sec. 3. (a) The state building commissioner shall
4 organize the office into the following divisions:

5 (1) A division of code enforcement to carry out section 7 of this
6 chapter and IC 22-15-4 and to encourage the development of
7 building law enforcement programs in other state agencies and in
8 every political subdivision.

9 (2) A division of plan review to carry out IC 22-15-3.

10 (3) A division of elevator safety, the duties of which include
11 inspections of regulated lifting devices as required under
12 IC 22-15-5 and regulated amusement devices under IC 22-15-7.

13 (4) A division of boiler and pressure vessel safety to carry out
14 IC 22-15-6.

15 **(5) A division of outdoor light pollution control to carry out**
16 **IC 22-15-8.**

17 (b) Inspections of regulated boilers shall be conducted by inspectors

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1 licensed under IC 22-15-6-5.

2 (c) The state building commissioner may assign duties that are not
3 described in subsection (a) to any division within the office.

4 (d) The state building commissioner shall appoint the personnel in
5 the office under IC 4-15-2.

6 (e) The state building commissioner shall appoint a chief deputy
7 state building commissioner. The appointee must be approved by the
8 executive director of the department. The chief deputy may exercise
9 any of the state building commissioner's responsibilities in the
10 commissioner's absence.

11 SECTION 2. IC 22-15-2-4 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) The state
13 building commissioner shall appoint a director to each of the divisions
14 established by section 3 of this chapter. These directors serve at the
15 pleasure of the state building commissioner.

16 (b) The director of the division of code enforcement must be:

17 (1) a registered architect or professional engineer, qualified in the
18 design and construction of Class 1 structures; or

19 (2) qualified by experience in the administration of building laws.

20 (c) The director of the division of plan review must be a registered
21 architect or professional engineer, qualified in the design and
22 construction of Class 1 structures.

23 (d) The director of the division of elevator safety must have at least
24 ten (10) years experience in the design, construction, repair, or
25 inspection of regulated lifting devices.

26 (e) The director of the division of boiler and pressure vessel safety
27 must:

28 (1) be a professional engineer registered under IC 25-31 or pass
29 a written and oral examination given by the office to determine
30 the director's technical and administrative competence;

31 (2) have administrative experience; and

32 (3) pass the examination required under IC 22-15-6-5 for
33 licensure as a boiler and pressure vessel inspector.

34 **(f) The director of the division of outdoor light pollution control**
35 **must be:**

36 **(1) a professional engineer; or**

37 **(2) qualified by experience in electrical installation and**
38 **design.**

39 SECTION 3. IC 22-15-2-7, AS AMENDED BY P.L.119-2002,
40 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2003]: Sec. 7. (a) The office shall carry out a program to
42 enforce all laws described by one (1) or more of the following:

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(1) Building laws and related variances and other orders that apply to Class 1 structures.

(2) Building laws and related variances and other orders that apply to industrialized building systems.

(3) Building laws and related variances and other orders that apply to mobile structures.

(4) Building laws, equipment laws, and related variances and other orders that apply to regulated lifting devices.

(5) Equipment laws and related variances and other orders.

(6) Building law and related variances and other orders that apply to regulating outdoor lighting.

(b) The office shall coordinate its enforcement program with the enforcement program conducted by the office of the state fire marshal under IC 22-14. The state building commissioner may authorize the office of the state fire marshal to carry out an enforcement function for the office.

SECTION 4. IC 22-15-8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:

Chapter 8. Outdoor Lighting Pollution Control

Sec. 1. This chapter does not apply to the following outdoor lighting:

(1) Temporary lighting required for construction projects and related to road construction and repair, installation of sewer and water facilities, and other public infrastructure.

(2) Temporary emergency lighting used by the police, fire departments, or other emergency services.

(3) Hazard warning luminaires required by federal law and regulatory agencies, if the luminaires are red and as close as possible to the minimum required lumen output for the task under federal law.

(4) Seasonal and decorative lighting displays that use multiple low wattage bulbs.

Sec. 2. The following definitions apply throughout this chapter:

(1) "Building official" means the state building commissioner or a designee of the state building commissioner who works in the office of the state building commissioner.

(2) "Flood or spotlight" means a light fixture or lamp that incorporates a reflector or refractor to concentrate the light output into a directed beam in a particular direction.

(3) "Lamp" means the component of a luminaire that produces actual light.

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(4) "Luminaire" means a complete lighting system, which includes a lamp or lamps and a fixture.

(5) "Outdoor lighting" means nighttime illumination of an outside area or object by any human-made device located outdoors that produces light by any means.

(6) "Outdoor lighting fixture" means outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps, and similar devices that are permanently installed or portable and used for illumination, decoration, or advertisement. These devices include search, spot, and floodlights at or on the following:

(A) Buildings and structures.

(B) Recreational areas.

(C) Parking lot lighting.

(D) Landscape lighting.

(E) Billboards and other signs.

(F) Street lighting.

(G) Product display area lighting.

(H) Building overhangs and open canopies.

(7) "Person" means an individual, a tenant, a lessee, an owner, or any commercial entity, including a firm, business, partnership, joint venture, or corporation.

(8) "Temporary outdoor lighting" means the specific illumination of an outside area of objects by any human-made device located outdoors that produces light by any means for a period of less than thirty (30) days, with at least one hundred eighty (180) days passing before it is used again.

Sec. 3. All public and private outdoor lighting installed in Indiana must conform with the requirements of this chapter.

Sec. 4. A new outdoor lighting fixture may not project more than three percent (3%) of its light rays above the horizon from the lamp, the lamp's lens structure, or any associated reflector.

Sec. 5. Where practicable, lighting must include timers, dimmers, and sensors to reduce overall energy consumption.

Sec. 6. Electrical service to outdoor lighting fixtures must be underground unless the fixtures are mounted directly on utility poles.

Sec. 7. (a) An outdoor lighting fixture used to illuminate outdoor advertising signs, including street signs and directive signs, must be mounted on top of the sign structure.

(b) An outdoor lighting fixture used to illuminate any outdoor advertising sign, street sign, or directive sign may not cause light

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to spill beyond the boundaries of the sign.

Sec. 8. A person may not direct any light onto an adjacent property either directly or indirectly without express permission of the adjacent property owner.

Sec. 9. (a) An applicant for any permit required by a state or local law, in connection with proposed work involving outdoor lighting fixtures in subdivisions, shall submit evidence that the proposed work will comply with this chapter.

(b) The application must contain evidence required by state or local laws for the applicable permit and the following:

(1) A plan of the location on the premises and the type of illuminating devices, fixtures, lamp supports, reflectors, and other devices.

(2) A description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices.

(3) Photometry data showing the angle of cutoff or light emission.

(c) The plan examiner shall determine if a person is in compliance with this chapter.

(d) If the plan examiner is unable to determine if a person is in compliance with this chapter, the applicant must submit certified reports of tests performed and certified by a recognized testing facility.

(e) If a housing subdivision proposes to install street or other common or public area outdoor lighting, the final plan must contain a statement certifying that the plan will conform to this chapter.

(f) If a housing subdivision changes an outdoor lighting fixture or other outdoor lighting after the permit has been issued, a change request and evidence of compliance with this chapter must be submitted to the building official for approval.

Sec. 10. (a) A person may not install, sell, offer to sell, lease, or purchase a mercury vapor fixture, lamp, or other device for outdoor lighting use.

(b) Mercury vapor lamps or fixtures used for outdoor lighting must be removed before July 1, 2006.

Sec. 11. A person may not install, sell, offer to sell, lease, or purchase a low pressure sodium, high pressure sodium, metal halide, fluorescent, quartz, or incandescent outdoor lighting fixture, lamp, or other device.

Sec. 12. A person may not use a laser source light or a similar high intensity light projected not greater than twenty (20) degrees

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below the horizontal for outdoor advertising or entertainment.

Sec. 13. (a) A person may not use searchlights for advertising purposes.

(b) A person may not use electrical illumination of outdoor advertising offsite signs between 11 p.m. and 7 a.m.

Sec. 14. (a) Except as provided in subsection (c), outdoor lighting may not be used for public or private outdoor recreational facilities, including football fields, soccer fields, baseball fields, softball fields, tennis courts, auto race tracks, horse race tracks, ski slopes, or show areas unless the following conditions are met:

(1) Lighting for parking lots and other areas surrounding the recreational facility comply with this chapter.

(2) The fixtures used for event lighting are fully shielded or designed with sharp cutoff capability to prohibit upward light, spill light, light trespass, and glare.

(3) The event is scheduled to complete all activity before or as near to 10 p.m. as practical.

(b) A person may not illuminate a playing field, court, slope, or track after 11 p.m. except to conclude a scheduled event that was in progress before 11 p.m. and if circumstances prevented the event from concluding before 11 p.m.

(c) A recreational facility located along roads and streets designated as scenic routes may be lighted using only approved fixtures.

Sec. 15. (a) Outdoor lighting may not be used for lighting outdoor display lots, including automobile sales or rentals, recreational vehicle sales, or building material sales unless the following conditions are met:

(1) Lighting of parking lots and other areas surrounding the display lot comply with this chapter.

(2) Fixtures used for display lighting are fully shielded or designed with sharp cutoff capability to prohibit upward light, spill light, light trespass, or glare.

(3) Display lot lighting is turned off within thirty (30) minutes after closing the business.

(b) A person may not fully illuminate a lot after 11 p.m.

(c) Security lighting may be used after 11 p.m.

Sec. 16. (a) A person may submit a written request on a form prepared by the division of outdoor light pollution control to the building official for a temporary exemption request.

(b) A temporary exemption request must contain the following information:



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- (1) Specific exemption or exemptions requested.
- (2) Type and use of the outdoor light fixture involved.
- (3) Duration of time requested.
- (4) Type of lamp and calculated lumens.
- (5) Total wattage of lamp or lamps.
- (6) Proposed location on premises of the light fixture.
- (7) Previous temporary exemptions and addresses of premises.
- (8) Physical size of the light fixture and type of shielding.
- (9) Other data and information as may be required by the building official.

Sec. 17. (a) The building official shall approve or deny an exception or request additional information not more than five (5) business days from the date of submission of the request for temporary exemption.

(b) If approved, the exemption is valid for not more than thirty (30) days from the date of issuance.

(c) The approval is renewable at the discretion of the building official. Each renewed exemption is valid for not more than thirty (30) days.

Sec. 18. (a) If the building official denies the request for temporary exemption, the person requesting the exemption may appeal the decision under IC 22-12-7.

(b) A person substantially aggrieved by a decision of the building official made in administration of this article may appeal the decision under IC 22-12-7.

Sec. 19. A person who violates this chapter:

- (1) commits a Class B infraction; and
- (2) is subject to orders issued under and sanctions imposed under IC 22-12-7.

SECTION 5. [EFFECTIVE JULY 1, 2003] (a) An existing outdoor structure must conform with the requirements set forth in IC 22-15-8, as added by this act, before July 1, 2008.

(b) This SECTION expires July 2, 2008.

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